

## DRYS MUST RELEASE SCHOONER EMERALD

Mellon Gets Report Showing  
Seizure of Canadian Ship  
Illegal.

TO GET ALL LIQUOR BACK

Formal Regrets to Be Made to  
British for Prohibition  
Navy Act.

Special Dispatch to THE NEW YORK HERALD.

New York Herald Bureau.  
Washington, D. C., Oct. 26.—  
Secretary Mellon is preparing to issue  
instructions for the release of the  
schooner Emerald of Canadian registry,  
seized by prohibition enforcement of-  
ficials outside territorial waters.

The final report on the case reached  
Mr. Mellon to-day, and was such as to  
leave no doubt that the enforcement of-  
ficers exceeded their jurisdiction and  
that the seizure was illegal. Mr. Mellon  
said that he would take the matter up  
with the State Department, probably to-  
morrow morning.

The report for which this Government  
was waiting before making answer to  
the representations of the British Em-  
bassy amounts to a clear cut victory for  
the British case and leaves the status of  
prohibition Commissioner Haynes  
without a leg to stand on. This means  
that the State Department will express  
this Government's regrets to the British  
Embassy and that the Emerald will be  
released and compensation made for  
the damage sustained by the owners  
because of the seizure. The  
thousand cases of liquor taken from the  
schooner will be put back in her hold.

Mr. Mellon indicated that the facts  
revealed that the Emerald was outside  
the three mile limit and was not in  
touch with the shore either through her  
own boats or members of her crew. The  
launch beside her to which liquor had  
been transferred was an American boat.  
This boat, a fast motor launch, had  
hauled the Emerald. As there was no  
evidence of communication with the  
shore in an illegal way Secretary Mellon  
believes the case of the enforcement  
brigade has completely broken down.

Officials noted the accuracy of the  
report made by the British Embassy a  
week ago and expressed surprise at the  
time it took the prohibition unit to es-  
tablish the facts in the case. It is ex-  
pected that Secretary Mellon will take  
advantage of the incident to warn the  
prohibition office to take every precau-  
tion to remain within the law.

Attorney-General Daugherty feels  
that, having made his ruling on the  
terms of the Volstead act, the next move  
is for the Treasury Department to issue  
the regulations to enforce it. Mr.  
Daugherty, however, is not inclined to  
proceed that department into hurried ac-  
tion.

It was suggested that both American  
and foreign ships might appeal not only  
to the courts but to the Treasury De-  
partment and take their chances. Mr.  
Daugherty thinks ship lines are entitled  
to appeal either to the executive or  
judicial branches of the Government,  
but Mr. Daugherty has made his ruling  
and there he stops.

## Baby Born in Jitney May Be Named Henry

ATLANTIC CITY, Oct. 26.—  
George Lucas, jitney opera-  
tor, was driving Mrs. J. K.  
Walker, 18, also of Atlantic City,  
on Pacific avenue last night when  
his car caught a lusty wall from  
within the cab. A son had been  
born to Mrs. Walker. At the At-  
lantic Hospital to-day, where both  
are reported as doing well, it was  
said Mrs. Walker plans to name the  
boy Henry, because of the circum-  
stances of his birth.

## FALLING SIGN KILLS ONE AND HURTS FIVE

Many More in Danger at Canal  
and Lafayette Streets at  
Rush Hour.

A 200 pound wooden sign attached to  
the fourth story of the building on the  
southwest corner of Lafayette and Canal  
streets was blown from its fastenings  
during the traffic rush hour last even-  
ing and hurled into the street, killing  
one person and injuring five others, one  
of whom may die. Paul Hiegl, 18  
years old, 109 Moffatt street, Brooklyn,  
in whose pocket a card was found indi-  
cating that he was a student at the Mur-  
ray Hill Vocational School, was struck  
by the sign and died in the arms of a  
traffic policeman. Joan Zolae, 45 years  
old, of 186 Rockaway avenue, Brooklyn,  
was taken to the Beckman Street Hospi-  
tal suffering from a fractured skull and  
is not expected to live. The four others  
suffered lacerations and minor injuries.

The sign, ten feet high by four feet  
wide, with side panels one foot wide, is  
the property of H. MacCann's Company,  
255 Canal street, printers and manufac-  
turers of sample cards. It had been se-  
cured by wires to the corner of the  
building and the heavy east wind caught  
the end projecting beyond the building  
breaking the wires.

The corner at that hour, 4:40 o'clock,  
is one of the most congested in Man-  
hattan. Downtown entrances of the  
I. R. T. subway station also were  
directly beneath the sign.

The sign, according to the bystanders,  
fell without warning to the east side  
walk of Lafayette street, where it  
mowed down the five pedestrians, after-  
ward bounding into the street, where it  
struck one of the several traffic police-  
men on duty at that point.

An investigation was begun imme-  
diately by Assistant District Attorney  
Hennis of the homicide bureau, who  
ordered that all of the wire be retained  
as evidence. The wire, he said, showed  
signs of corrosion. Frederick C. Kuehnle,  
chief inspector of buildings, said that  
the Building Department has no juris-  
diction over signs of this nature.

BRIBERY LAID TO PATROLMAN

Patrolman Albert E. Helmerston of the  
Fifth avenue precinct in Brooklyn was  
indicted by the Grand Jury in Brooklyn  
yesterday on a charge of bribery. It is  
alleged he accepted a bribe of \$150 from  
William Gorres, owner of a restaurant  
at 512 Second avenue, on the condition  
he would not press a Mullin-Cage law  
violation against Gorres. Helmerston  
pleaded not guilty before County Judge  
Martin and was held in \$2,000 bail to  
await trial.

## REJECTS U. S. PLEA TO DROP MORSE CASE

Court Won't Allow With-  
drawal of Conspiracy and  
Fraud Charges.

ALEXANDRIA, Va., Oct. 26.—Attempts  
by counsel for the Government to with-  
draw all charges of conspiracy and  
fraud laid against Charles W. Morse,  
New York shipbuilder, and his various  
companies in the case now in progress  
here failed to-day when Judge Waddill,  
in the Federal Court for the Eastern  
Virginia district, refused to entertain  
the motion. The court upheld attorneys  
for the companies in their contention  
that it would be most unfair to amend  
the bill so drastically after the charges  
had been so widely published.

The Government's motion was sub-  
mitted by former Senator Edgar T.  
Brackett, special assistant to Attorney-  
General Daugherty.

Earlier in the day Senator Brackett  
had moved to eliminate all reference to  
the Groton Iron Works, which was  
named with the Virginia Shipbuilding  
Corporation in the Government's suit to  
recover about \$18,000,000 advanced to  
cover construction expenses. Objection  
was made on the ground that the  
"same charges of fraud" lay against  
the Groton company as against the  
other defendants.

Judge Waddill denied the motion as  
to the Groton company and that which  
would have eliminated all reference to  
conspiracy and fraud wherever appear-  
ing.

An exception was taken on the part  
of the Government indicating that, in  
case of appeal, the refusal of the court  
to permit withdrawal of the charges  
would be one of the points carried to  
the higher courts.

Counsel for the Morse companies de-  
clared to-night the action of the Gov-  
ernment, in effect, was a "confession of  
error" and indicated a complete col-  
lapse of the case. They looked for  
early issuance of a decree from the  
local court bringing this phase of the  
case to a formal conclusion. There  
would remain the counter suit—that  
of the Government against the Virginia  
company for \$18,000,000 and of the  
Virginia company against the Govern-  
ment for \$6,000,000 alleged to be still  
due on the ships constructed under the  
emergency fleet contract.

A separate suit is pending in Con-  
necticut wherein the Groton Iron Works  
seeks to collect \$12,000,000 from the  
Government as balance due for con-  
struction of a number of ships.

## DEAD BOY LIVED WITH WOMAN TWICE HIS AGE

Special Dispatch to THE NEW YORK HERALD.  
GLEN COVE, L. I., Oct. 26.—Charles R.  
Weeks, District Attorney, has directed  
that the contents of the stomach of  
Joseph Michaels, 18, who was found  
dead in a rooming house here Monday,  
be sent to a laboratory for analysis to  
determine the cause of death.

For three years, until recently, the  
young man had been living at the room-  
ing house under the name of Joseph  
Mitchell with a woman twice his age  
who posed as his mother. She left here  
October 12 and the police are trying to  
locate her. A gas stove was burning in  
the room in which the young man was  
found dead and it is thought gas poison-  
ing may have caused his death.

## SIMS SAYS DANIELS OPPOSED CONVOYS

Takes Issue With Ex-Secre-  
tary's Claim He and Wilson  
Favored System.

NEWPORT, R. I., Oct. 26.—Rear Ad-  
miral William R. Sims, retired, to-night  
took sharp issue with a statement made  
last night by Josephus Daniels, former  
Secretary of the Navy, regarding the  
adoption of the convoy system during  
the war. In a note given to the Asso-  
ciated Press here, Admiral Sims, after  
asserting that the Daniels statement as  
it affected the adoption of the convoy  
system was "false in all essential re-  
spects," said:

"He stated that the British Admiralty  
was opposed to the convoy system until  
some time after we entered the war, that  
President Wilson and he were at all  
times in favor of it, that he informed  
me of this when he gave me my in-  
structions, that I presented these views  
to Admiral Jellicoe and that shortly  
thereafter the convoy system was put in  
operation."

"The official documents presented be-  
fore the committee of the Senate that  
investigated the department's conduct of  
the war show that throughout the first  
three months of the war the Navy De-  
partment resisted the adoption of the  
convoy."

"As late as June 18, 1917, the Navy  
Department announced in a cablegram  
to me: 'Regarding convoys I consider  
that American vessels with armed guards  
on board are safer when sailing inde-  
pendently' and in a cable of July 9,  
1917: 'About 4,000 troops will be dis-  
patched in each ship. Do you think  
that they should sail in company or  
singly?'"

"As I have stated in my testimony  
before the Senate Committee Mr. Dan-  
iels gave me no instructions whatever  
before I left for England except to re-

port the situation with reference to co-  
operation in case we should declare  
war."

## WHEELER COMBATS WET FIGURES ON ARRESTS

Says Action Is Taken on  
Slighter Evidence Now.

Special Dispatch to THE NEW YORK HERALD.

New York Herald Bureau.  
Washington, D. C., Oct. 26.—  
Wayne B. Wheeler, general counsel  
of the Anti-Saloon League, to-day de-  
clared the figures of the Association  
Against the Prohibition Amendment on  
arrests for drunkenness during 1921  
were "far afield." These figures showed  
an increase of 36.21 per cent. in 1921  
over 1920.

"The only fair way to compare the  
wet and dry regime is to take the last  
wet year or series of wet years and  
compare them with the last dry year or  
series of dry years," Mr. Wheeler de-  
clared. "When this is done it clearly  
shows a marked decrease of arrests for  
drunkenness under prohibition. In wet  
years only drunks who become a public  
nuisance are arrested in most cities."

"Under prohibition hostile officers ar-  
rest on the slightest evidence of intoxi-  
cation to discredit prohibition. Friendly  
officers arrest those who appear intox-  
icated in order to get from them evi-  
dence against the seller. This means  
that but comparatively few of the real  
drunks are arrested under license, while  
practically all of the even partially in-  
toxicated are arrested under prohibition.  
Even then truthful statistics show that  
prohibition at its worst is better than  
license at its best when we compare ar-  
rests for drunkenness."

SENATOR CURTIS ILL.

WASHINGTON, Oct. 26.—Senator Cur-  
tis of Kansas, assistant Republican floor  
leader of the Senate, is ill here from a  
digestive disorder. Symptoms of ap-  
pendicitis have developed, but his con-  
dition is so improved that an operation  
is considered improbable.

## \$50,000 BAIT USED IN NARCOTIC RAID

Agents Arrest Two Men and  
Boy After Revolver Fight  
in The Bronx.

Federal narcotic agents passed \$50,-  
000 in marked money last night in ge-  
tting evidence that resulted in the arrest  
of Raphael Morelli, 38, a draper, of 639  
East 187th street; Michael Stivaletti,  
40, a barber, of 2395 Belmont avenue,  
The Bronx, and the latter's son, Hugo,  
14. All were charged with violation of  
the Harrison law. A charge of felonious  
assault also was made against Mo-  
relli.

A squad of six agents, headed by  
Ralph H. Oyler, had been dickering  
with the two men for some time, it was  
said. Agent Murphy went to the bar-  
ber shop of Stivaletti at 610 Crescent  
avenue last night and purchased 144  
ounces of cocaine, morphine and heroin,  
he said, for which he had agreed to pay  
\$50,000.

When the marked money was passed  
over Oyler and the other detectives  
started to enter the shop, but found the  
door locked. When they started to force  
it open Morelli, it is alleged, fired sev-  
eral shots. The agents returned the  
fire, but all the bullets went wild. Agent  
Pacetti wrested the revolver from Mo-  
relli's hand and the three were arrested.  
When the door was being forced a piece  
of glass cut Mr. Oyler's right leg. Hugo  
Stivaletti, who it is said carried the  
dugs to the men when they were want-  
ed, was turned over to the Children's  
Society. The two others will be ar-  
raigned to-day before Samuel M. Hitch-  
cock, United States Commissioner.

RETIREES FROM STOCK FIRM.

William W. Cohen & Co. announce the  
retirement of George A. Hutter as a  
member of the firm, effective October 18.

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